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CRISTINA DELORES PATINO

8
9 IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11
12 UNITED STATES OF AMERICA,
13
Plaintiff,
14
v.
15 CRISTINA DELORES PATINO,
16
Defendant.

CR 4-11-70677 MAG

STIPULATION TO CONTINUANCE
AND EXCLUSION OF TIME UNDER
THE SPEEDY TRIAL ACT, 18 U.S.C. §
3161 ET. SEQ.; ORDER

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the status
18 hearing date of July 13, 2011 presently scheduled at 9:30 a.m., before the Hon. Donna M. Ryu, be
19 vacated and re-set for September 7, 2011 at 9:30 a.m., before the Oakland Duty Magistrate, for
20 status. It is further stipulated that the time for filing an indictment in this matter be extended to
21 September 7, 2011.

22 The reasons for this continuance are as follows:

- 23 1. On June 16, 2011, the defendant appeared in United States Magistrate Court in the
24 Northern District of California pursuant to Federal Rule of Criminal Procedure 5 and was
25 advised of charges pending against her in a criminal complaint which had been filed in
26

1 the Eastern District of Virginia (Case No. 11-MJ-455). Pursuant to agreement of the
2 parties, the defendant was released on bond, to be supervised in the Northern District of
3 California.

4 2. The parties are presently negotiating a pre-indictment plea that contemplates transfer of
5 this matter to the Northern District of California for change of plea pursuant to Federal
6 Rule of Criminal Procedure 20.

7 3. Additionally, as this case alleges a multi-state conspiracy involving at least fifteen
8 people, counsel for Ms. Patino requires additional time to review discovery and conduct
9 any necessary investigation.

10 4. Ms. Patino agrees to waive her right to a preliminary hearing in this matter.

11 5. Further the parties agree that an extension of time for the filing of an indictment,
12 pursuant to 18 U.S.C. § 3161(b) and (h), is in the best interest of the defendant and the
13 government and will provide the parties with necessary time to review discovery in the
14 case and discuss a plea agreement.

15 6. The defendant expressly understands that his waiver is not predicated upon any
16 promises, agreements, or understandings of any kind between the government and the
17 defense in this case, and that nothing contained herein shall be construed to preclude the
18 government from proceeding against the defendant during or after the time period
19 covered by this waiver.

20 The parties agree and stipulate that the time until September 7, 2011 should be excluded,
21 under 18 U.S.C. § 3161(h)(7)(A) because the ends of justice served by the granting of the continuance
22 outweigh the best interests of the public and the defendant in a speedy and public trial. The
23 continuance is necessary to accommodate counsel's preparation efforts.

24 //

25 //

1 Date: July 5, 2011

2 _____
/s/
3 Ellen V. Leonida
4 Assistant Federal Public Defender
Attorney for CRISTINA PATINO

5 Date: July 5, 2011

6 _____
/s/
7 Lisa Owings
8 Assistant United States Attorney
9 Eastern District of Virginia

10 Date: July 5, 2011

11 _____
/s/
12 Matthew McCarthy
13 Assistant United States Attorney
14 Northern District of California

15 ORDER

16 The court finds that the ends of justice served by the granting of the continuance
17 outweigh the best interests of the public and the defendant in a speedy and public trial. The
18 continuance is necessary to accommodate counsel's preparation efforts and continuity of counsel.
19 Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is
20 continued to September 7, 2011 at 9:30 a.m., before the Oakland Duty Magistrate. IT IS
21 FURTHER ORDERED that the time for the filing of an indictment is extended until September
22 7, 2011. Time is excluded until September 7, 2011, 2011 pursuant to 18 U.S.C. § 3161(h)(7)(a).

23 IT IS SO ORDERED.

24 7/11/11
25 Date

26 
HON. DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE